

### **REMARKS**

This application has been carefully reviewed in light of the Office Action mailed October 4, 2005. Claims 1-16 and 18-24 are pending in the Application. Reconsideration and favorable action is requested.

#### **Section 102 and 103 Rejections**

The Office Action states that Claims 1-3, 7-9 12-14, 18-20, and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,647,305 to Bigelow ("*Bigelow*"); Claims 4, 10, 15 and 21 are rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over *Bigelow* in view of U.S. Patent Application No. 2003/0001891 to Keohane et al. ("*Keohane*"); and Claims 5, 6, 11, 15, 16, 22 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bigelow* in view of U.S. Patent Application No. 2002/0026385 to McCloskey et al. ("*McCloskey*") Applicant respectfully traverses these rejections for the reasons described below.

#### **Independent Claims 18 and 12**

Claim 18 is allowable at least because *Bigelow* does not disclose a knowledge base data set engine coupled to and operable to access various knowledge base data sets, the knowledge base data set engine operable to inferentially apply business process attributes to features within the digital model data set responsive to information linked to such features within the knowledge base data sets accessible to the knowledge base data set engine. The Office Action cites Column 7, lines 15-29 in rejecting this claim, but this portion does not disclose the claimed inferential application of business process attributes. Rather, it shows conditional relationships expressly defined between two objects, but not inferential application of business process attributes. The Response to Arguments Section of the Final Office Action states, "Bigelow teaches based on information linked to features such as the Pan option (608). Then inferentially the knowledge base applies information to the Bolt limiting the diameter to 3mm and 10mm," but this passage misses the point that this portion of *Bigelow* does not involve inferential application of business process attributes, but rather the selection of a belt diameter. For at least this reason Claim 18 is allowable, as are the claims depending therefrom. Independent Claim 12, as amended, is allowable for analogous reasons, as are the claims depending therefrom. Dependent Claim 7 is also allowable for analogous reasons. Reconsideration and favorable action are requested.

### **Independent Claim 3**

Claim 3 is allowable at least because the cited references fail to show a business process attribute that comprises safety information defining a safety level parameter associated with a component represented in the digital model data set. No such safety level parameter is defined in *Bigelow*, and the Final Office Action does not dispute this fact. Applicant's specification provides some examples of safety level parameters. Those examples include "critical," "major," and "minor." In rejecting Claim 3 the Office Action relies on Column 5 lines 64-67 of *Bigelow* stating "wherein properties corresponding to web objects which define properties of safety such as tolerance," but this portion of *Bigelow* does not show a business process attribute that comprises safety information defining a safety level parameter. It cannot be disputed that the information disclosed at this portion of *Bigelow*, such as height, length, width, surfaces, material composites, tolerances, etc. do not define safety level parameters, even if it is contended that this information relates to safety. Indeed, the definition of a safety level parameter is never mentioned in *Bigelow*. The Final Office Action states in a Response to Arguments Section at Pages 8-9 that:

tolerances indeed do define a safety level. If tolerances are not met or exceed [sic] especially in mechanical parts, [sic] It is not safe to use that mechanical part for reasons of breakage alone. Therefore tolerance does define safety level.

But clearly the tolerance of a part does not define a safety level parameter, such as "critical," "major," and "minor," and no safety level parameter is even identified in the Office Action as being disclosed by *Bigelow* – a fact that the Final Office Action does not dispute. For at least this reason, Claim 3 is allowable. Claims 14, 20, and 24 are allowable for analogous reasons. Favorable action is requested.

### **Claim 2**

Claim 2 is allowable at least because *Bigelow* does not disclose a business process attribute comprising quality information defining a quality level parameter associated with a component represented in the digital model data set. *Bigelow* is devoid of any such use of a quality level parameter. The Office Action relies on web objects indicative of material composition at Col. 5, lines 64-67 of *Bigelow* to teach quality, but *Bigelow* fails to teach a business process attribute comprising quality information defining a quality level parameter.

No quality level parameter is disclosed in *Bigelow*, and the Final Office Action does not dispute this fact. The fact that certain parameters disclosed in *Bigelow* may relate to quality does not change the fact that no quality level parameter is defined in *Bigelow*. In the Response to Arguments Section at Pages 8-9, the Final Office Action states:

material composites certainly do define a quality factor, [sic] if a belt is made of titanium, it would signify a high quality belt, [sic] however if a bolt was made from tin this would signify a low quality belt. While the example may seem extreme, the point of a quality level [sic] depends from a material it is made from.

But clearly something that may affect quality does not necessarily define a quality level parameter – something the Final Office Action has not disputed is lacking from *Bigelow*. For at least this reason, Claim 2 is allowable. Claims 13 and 19 are allowable for analogous reasons.

#### **Claim 4**

Claim 4 is allowable at least because the cited references also fail to show a business process attribute comprising information defining a revision parameter associated with a component represented in the digital model data set. The Office Action concedes that *Bigelow* does not teach this limitation and relies on *Keohane* to teach it, but that reliance is misplaced. *Keohane* simply shows the use of a revision number on a document, not a revision parameter associated with a component represented in the claimed digital model data set. A revision number on a document is not the same as a revision parameter associated with a component. Further, even if *Keohane* showed a revision parameter associated with a component represented in the claimed digital model data set, the motivation provided in the Office Action for combining these two references does not meet the evidentiary standard required by the M.P.E.P because it is merely a statement of one advantage described in Applicant's disclosure. The law is clear that the PTO cannot rely on Applicant's own disclosure for the required evidence of a motivation to combine references. The Response to Arguments Section in the Final Office Action addresses the above remarks regarding the required motivation to combine but does not challenge Applicant's statement that *Keohane* fails to show a business process attribute comprising information defining a revision parameter associated with a component represented in the digital model set. In particular, the Final Office Action states:

in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be

recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Revision is notoriously well known and to show that there has been a change is nothing novel.

But this rejection remains improper both because (i) *Keohane* fails to show a business process attribute comprising information defining a revision parameter associated with a component represented in the digital model set – a fact that is not challenged in the Response to Arguments section of the Final Office Action, and (ii) no proper motivation to combine *Keohane* with *Bigelow* has been shown by the PTO (or exists). The Final Office Action's statement that a hindsight reconstruction is proper if it only takes into account knowledge within ordinary skill at the time of the invention fails to provide a proper motivation to combine the two references. As stated above, Applicant's disclosure cannot be relied upon, and the Final Office Action has provided no evidence that one would have been motivated to make the combination which is required (MPEP 2143.01), but has merely provided an advantage identified in Applicant's disclosure. For at least these reasons, Claim 4 is allowable. Claims 15 and 21 are allowable for analogous reasons. Reconsideration and favorable action are requested.

### **Independent Claim 1**

Claim 1 is allowable at least because the cited references do not teach or suggest quality information defining a quality level parameter associated with a component represented in the digital model data set; safety information defining a safety level parameter associated with a component represented in the digital model data set; revision information defining a revision parameter associated with a component represented in the digital model data set; and an information address attribute comprising a network address associated with information related to a component associated with data within the digital model data set.

Each of these limitations is not taught by the cited references, and for at least this reason Claim 1 is allowable. The safety level parameter limitation is not taught, as described above with reference to Claim 3. The quality level parameter is not taught, as described above with reference to Claim 2. The revision parameter limitation is not taught, as described above with respect to Claim 4.

In addition, the cited references do not teach an information address attribute comprising a network address associated with information related to a component associated with data within the digital model data set. The Office Action concedes this limitation is not shown by *Bigelow* and relies on *McCloskey* to teach this limitation, but this reliance is misplaced. *McCloskey* does not show the claimed business process attribute comprising a network address associated with information related to a component associated with data within the digital model data set. Rather the cited portion of *McCloskey* merely shows the address of the file storing the displayed CAD drawing.

For at least these reasons, Claim 1 is allowable as are the claims depending therefrom. In addition, Claims 2, 4, 5, and 24 are each allowable for reasons described above with respect to their respective additional limitations. Reconsideration and favorable action are requested.

**CONCLUSION**

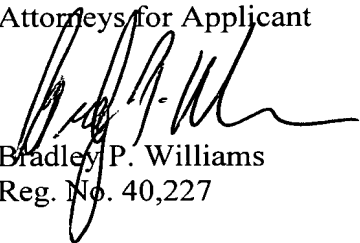
Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicant believes no fee is due. However, the Commissioner is hereby authorized to charge any fee or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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